

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	Case No. 14-16081-mdc
BARRY PORTNOY	Chapter 7
Debtor.	Honorable Magdeline D. Coleman
In re:	Case No. 11-19403-jkf
DEMREX INDUSTRIAL SERVICES, INC.	Chapter 7
Debtor.	Honorable Jean K. FitzSimon

**RESPONSE OF REPUBLIC FIRST BANK TO THE  
MOTION OF THE CHAPTER 7 TRUSTEE OF THE  
ESTATE OF DEMREX INDUSTRIAL SERVICES, INC.  
(DOCUMENT NO. 483, IN CASE NO. 14-16081 AND  
DOCUMENT NO. 305, IN CASE NO. 11-19403)**

Republic First Bank ("Republic") contends that, at least as to Republic, the motion of the Chapter 7 Trustee of the Estate of Demrex Industrial Services, Inc. is moot, in view of paragraph 1 of the Court's Order of September 20, 2017 (Document No. 489 in Case No. 14-16081, copy attached as Exhibit 1).

Respectfully submitted,

SCHNADER HARRISON SEGAL  
& LEWIS LLP

Dated: September 22, 2017

By: /s/ Jonathan W. Hugg  
Jonathan W. Hugg, Esquire  
PA Id. No. 73589  
1600 Market Street, Suite 3600  
Philadelphia, Pennsylvania 19103-7286  
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*Attorneys for Republic First Bank d/b/a  
Republic Bank*

# EXHIBIT 1

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	Case No. 14-16081-mdc
BARRY PORTNOY	Chapter 7
Debtor.	Honorable Magdeline D. Coleman

**ORDER**

AND NOW, this 20<sup>th</sup> day of September, 2017 after a status hearing on the Motion of Bonnie B. Finkel, Esq., Chapter 7 Trustee for the Estate of Demrex Industrial Services, Inc. for Leave to File Proof of Claim as Timely it is hereby **ORDERED** as follows:

1. Within ten (10) days of the date of this Order, Republic First Bank dba Republic Bank ("Republic Bank") shall produce to counsel to Bonnie Finkel, Chapter 7 Trustee of the estate of Demrex Industrial Services, Inc. (the "Demrex Trustee") the documents that Republic Bank or its counsel are in possession of that have been produced in discovery by any party in Case No. 14-16081 or Adversary Proceeding Nos. 15-0037, 16-00248, or 16-00409 (including the initial state court actions).

2. The Trustee of Barry Portnoy ("Portnoy Trustee") through its counsel shall make available to a representative of Barry Portnoy (the "Portnoy Debtor") the documents that are on the external hard drive referenced at the status hearing which is currently located in the office of counsel for the Portnoy Trustee (the "Hard Drive") at counsel for the Portnoy Trustee's office to review, to the extent accessible. If the Debtor wishes copies of any of these documents the Debtor shall pay for the cost of copying same. Said review must occur on or before September 25, 2017.

3. Portnoy may lodge an objection to the production of any of the documents on the Hard Drive to the Finkel Trustee or use of any of these documents by any party as privileged on or before October 9, 2017.


4. Counsel to the Portnoy Trustee shall make available to counsel to the Demrex Trustee and/or her representatives the documents on the Hard Drive to the extent accessible to be read in counsel for the Portnoy Trustee's office on or about October 16, 2017, other than those which are subject to an objection by Portnoy pursuant to ¶ 3 hereof. Any of these documents shall be copied at the request of the Demrex Trustee or her representative, the cost of which should be borne by the Demrex Trustee.

5. A hearing shall be held before this Court on October 24, 2017 at 1:00 p.m. (ET) at the United States Bankruptcy Court, 900 Market Street, Courtroom No. 2, Philadelphia, Pennsylvania 19107, as to any disputes over privilege objections lodged by the Portnoy Debtor to the production and use of any of the documents on the Hard Drive.

6. Nothing herein shall preclude the Demrex Trustee from seeking additional discovery.

7. This Order shall be effective immediately upon its entry.

BY THE COURT:

  
Magdeline D. Coleman  
United States Bankruptcy Judge

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In re: Case No. 14-16081-mdc  
BARRY PORTNOY Chapter 7  
Debtor. Honorable Magdeline D. Coleman

In re: Case No. 11-19403-jkf  
DEMREX INDUSTRIAL SERVICES, INC. Chapter 7  
Debtor. Honorable Jean K. FitzSimon

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Response was served on September 22, 2017 via this Court's electronic filing system.

Respectfully submitted,

SCHNADER HARRISON SEGAL  
& LEWIS LLP

Dated: September 22, 2017

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